

**MINUTES OF THE
SENATE BUSINESS AND LABOR STANDING COMMITTEE**
215 Senate Building, Utah State Capitol Complex
February 19, 2016

Members Present: Sen. Curtis S. Bramble, Chair
Sen. Gene Davis
Sen. Deidre M. Henderson
Sen. Karen Mayne
Sen. Todd Weiler

Members Excused: Sen. Ralph Okerlund
Sen. J. Stuart Adams

Staff Present: Mr. Joseph T. Wade, Policy Analyst
Ms. Karen Allred, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Bramble called the meeting to order at 2:03 p.m. and announced that next week the Wednesday meeting will be on Thursday at 5:10 p.m.

MOTION: Sen. Weiler moved to approve the minutes of the February 16, 2016 meeting. The motion passed unanimously with Sen. Davis and Sen. Mayne and absent for the vote.

H.B. 163 2nd Sub. Title Insurance Amendments (*R. C. Webb*)

Rep. Webb explained the bill to the committee and a handout was distributed.

MOTION: Sen. Weiler moved to pass the bill out favorably. The motion passed unanimously with Sen. Davis absent for the vote.

MOTION: Sen. Henderson and Sen. Weiler moved to place the bill on the Consent Calendar. The motion passed unanimously.

H.B. 267 Charitable Solicitation Act Amendments (*P. Arent*)

Rep. Arent explained the bill to the committee and handouts were distributed.

Spoke for the bill: Laurel Cannon Alder, Grant Manager, Utah Division of Arts and Museums

Daniel O'Bannon, Director, Division of Consumer Protection, further clarified the bill.

MOTION: Sen. Davis moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Sen. Davis moved to place the bill on the Consent Calendar. The motion passed

unanimously.

H.B. 116 3rd Sub. Determination of Employer Status Amendments (B. Greene)

Rep. Greene explained the bill to the committee.

Todd E. Kiser, Utah Insurance Department, expressed concerns with the bill.

Spoke for the bill: Candace Daly, National Federation of Independent Business

Spoke against the bill: Jason Maughan, Utah Labor Commission

Tanji Northrup, Utah Insurance Department, further explained the bill.

MOTION: Sen. Davis moved to amend the bill as follows:

1. Page 6, Lines 164 through 176:

164 31A-40-212. Determination of joint employers -- Franchisors excluded.
165 ~~{(1) For purposes of determining whether two or more persons are considered~~
 ~~joint~~
166 ~~employers under this chapter, an administrative ruling of a federal executive agency~~
 ~~may not be~~
167 ~~considered a generally applicable law unless that administrative ruling is determined~~
 ~~to be~~
168 ~~generally applicable by a court of law, or adopted by statute or rule.~~
169 ~~{(2)-(a)}~~ (1) For purposes of this chapter, a franchisor is not considered to be an
 employer of:
170 ~~{(i)}~~ (a) a franchisee; or
171 ~~{(ii)}~~ (b) a franchisee's employee.
172 ~~{(b)}~~ (2) With respect to a specific claim for relief under this chapter made by a
 franchisee or
173 a franchisee's employee, this {Subsection (2)} section does not apply to a franchisor
 under a franchise
174 that exercises a type or degree of control over the franchisee or the franchisee's employee
 not
175 customarily exercised by a franchisor for the purpose of protecting the franchisor's
 trademarks
176 and brand.

The motion failed with Sen. Davis and Sen. Mayne voting in favor of the motion and Sen. Bramble, Sen. Henderson, and Sen. Weiler voting in opposition.

MOTION: Sen. Henderson moved to pass the bill out favorably. The motion passed with Sen. Davis and Sen. Mayne voting in opposition.

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously.

Chair Bramble adjourned the meeting at 3:06 p.m.

Sen. Curtis S. Bramble, Chair